

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRIS WASHINGTON-EL,	)	
	)	
Plaintiff,	)	Civil Action No. 08-1688
	)	
v.	)	Judge Conti
	)	Magistrate Judge Bissoon
JEFFREY BEARD,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

Plaintiff Chris Washington-El's civil rights complaint was received by the clerk of court on December 10, 2008, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges.

The magistrate judge's report dated August 7, 2009, recommended that defendant's motion to dismiss (Doc. No. 15) be granted. Plaintiff filed objections (Doc. No. 32) and asserts, *inter alia*, that he should be permitted to amend his Complaint in an attempt to cure any defects therein. While this court agrees with the magistrate judge's analysis of the complaint as presently pleaded, plaintiff should be given the opportunity to amend.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 11th day of September, 2009,

IT IS HEREBY ORDERED that the defendant's Motion to Dismiss (Doc. No. 15) is GRANTED WITHOUT PREJUDICE plaintiff's right to file an amended complaint on or before October 15, 2009 to include factual allegations sufficient to state claims. Failure to file an amended complaint will result in the entry of a final order dismissing this case with prejudice.

The Report and Recommendation of Magistrate Judge Bissoon, (Doc. No. 76), dated August 7, 2009, is adopted as the opinion of the court with the modification noted above.

s/Joy Flowers Conti  
Joy Flowers Conti  
U.S. District Court Judge

cc:  
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